

HUMAN SERVICES

DIVISION OF FAMILY DEVELOPMENT

Work First New Jersey Program

Proposed Amendments: N.J.A.C. 10:90-1.2, 2.4, 2.8, 2.9, 3.19, 4.1, 4.8, 4.9, 4.10, 5.12, 5.14, 6.6, 6.8, 6.10, 7.3, 8.2, 8.5, 10.6, 10.7, 11.5, 12.5, 12.11, 15.1, 17.2, 18.3, 18.8, 19.4 and 19.6

Authorized By: James M. Davy, Acting Commissioner,
Department of Human Services

Authority: N.J.S.A. 30:1-12; Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; and the Work First New Jersey Act, P.L. 1997, c.14, approved January 29, 1997.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-135

Submit comments by June 4, 2004 to:

Miguel Mendez, Administrative Practice Officer
Division of Family Development
P. O. Box 716
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The agency proposal follows:

Summary

As the Department is providing a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

The proposed amendments at N.J.A.C. 10:90-1.2(f)3, 4.1(a), 4.1(a)2 and 4.1(f) provide that although all Work First New Jersey (WFNJ) recipients receive case management from the county or municipal agency, only adults, parent minors and 16 through 18 year olds that are not attending school on a full time basis must receive an assessment and development of an Individual Responsibility Plan (IRP). This is consistent with current provisions at N.J.A.C. 10:90-2.2(c) and 4.8(a).

The proposed amendments at N.J.A.C. 10:90-2.4(a)3i, 2.4(a)3iii, 2.4(a)3iii(1), 2.9(a)2x(1), 4.10(a)2, 4.10(a)2ii, 4.10(a)3, 4.10(a)4, 4.10(b), 4.10(b)1, 4.10(b)2, 6.10(d)1, 6.10(d)2, 6.10(d)8, and 18.3(a)2i replace the WFNJ-5, Examining Physician's Report and the WFNJ-5S, Confidential Medical Examining Physician's Report previously used, with an updated form, called the WFNJ/MED-1, Examination Report, as the appropriate document to be used by a physician, psychologist, or Advanced Practice Nurse (APN) to certify that a WFNJ recipient is temporarily or permanently unable to participate in the WFNJ work requirement.

The proposed text at N.J.A.C. 10:90-2.8(a)12 provides consistency with N.J.A.C. 10:90-9.1(d)3 by providing that individuals who are committed to an institution are ineligible for WFNJ/GA.

The proposed amendment at N.J.A.C. 10:90-3.19(a)10 removes an incorrect reference to WFNJ/GA recipients. SSI benefits are only exempt in WFNJ/Temporary Assistance for Needy Families (TANF) households.

The proposed amendments at N.J.A.C. 10:90-3.19(a)15ix and 15ix(19) provides that payments made by the Department of Veterans Affairs to certain children of Vietnam veterans are considered exempt income. This income will not be considered in determining eligibility or in computing the amount of the cash assistance payment. It is a requirement under 38 U.S.C. §1823(c) that Federally assisted programs disregard these payments.

The proposed amendments at N.J.A.C. 10:90-4.8(a)2ii and (a)3 provide for documentation of non-work related activities on the IRP. The IRP is used to document non-work activities as well as work activities.

The proposed amendments at N.J.A.C. 10:90-4.9(a)1ii regarding the Comprehensive Social Assessment (CSA) remove the phrase "is comprised of 12 sections" because the CSA only has 11 sections. The amendment at N.J.A.C. 10:90-4.9(a)1 replaces a reference to the comprehensive social assessment with its abbreviation, CSA.

The proposed amendments at N.J.A.C. 10:90-4.10(b) provide that when medical documentation is required, in addition to the WFNJ/MED-1, the WFNJ-5S(DEP) as appropriate, shall be accepted as a physician's, licensed or certified psychologist, or Advanced Practice Nurse certification.

The proposed amendment at N.J.A.C. 10:90-5.12(a)3 corrects a grammatical error by replacing the phrase "CWA's" with "CWAs" to indicate the plural of county welfare agency.

The proposed amendment at N.J.A.C. 10:90-5.12(a)4 provides that vendors providing education and/or training to WFNJ recipients must be listed on the Eligible Training Provider list. If a vendor is not listed as an eligible training provider, the vendor must demonstrate proof of registration to become an eligible training provider.

The proposed amendment at N.J.A.C. 10:90-5.12(b) extends the initial eligibility timeframe for the Career Advancement Voucher (CAV) from 12 to 24 months after the WFNJ case closes.

The proposed amendment at N.J.A.C. 10:90-5.12(c) provides that child care support services are available to CAV participants not only through the TCC but also through the Post TCC program. The Post TCC program provides child care for eligible CAV recipients beyond the 24-month post TANF benefit period if needed to complete a CAV course of study which began during the 24-month post TANF period.

The proposed amendment at N.J.A.C. 10:90-5.14(f)1 allows a Temporary Rental Assistance (TRA) recipient, who begins to receive a Supplemental Living Support (SLS) benefit, to continue to receive TRA even if the additional SLS income would have rendered them ineligible for TRA. The intent of the SLS program is to provide additional income for eligible recipients, not to further restrict their available resources. In accordance with N.J.A.C. 10:90-6.5(a)2, TRA recipients must contribute 65 percent of their household income towards housing costs. This amendment clarifies that the contribution amount will be 65 percent of the household income including the SLS benefit or the combined cash assistance and SLS benefit, whichever is less.

The proposed amendment at N.J.A.C. 10:90-6.6(a)1 clarifies that only provisions which are appropriate for the individual/family are required for the Emergency Assistance (EA) service plan.

The proposed amendment at N.J.A.C. 10:90-6.8(a)1, regarding intercounty/municipality transfer of EA cases, clarifies that the county/municipality of origin remains responsible for the EA case management and payments and the WFNJ case management and cash assistance benefits when the agency

places a recipient in a temporary emergency housing arrangement in a different county/municipality.

The proposed text at N.J.A.C. 10:90-6.8(a)2 provides that when a WFNJ EA recipient determined appropriate for TRA moves to permanent housing in another county with or without CWA intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits after the recipient makes application for services in the new county/municipality.

The proposed amendments at N.J.A.C. 10:90-7.3(d) and (g) clarify county/municipal agency responsibilities when a WFNJ family or individual moves to another county or municipality. Unless the county/municipality of origin places the recipient into a temporary emergency shelter as part of an emergency assistance service plan, the new county/municipality will have responsibility for providing the recipient with case management and cash assistance benefits, after the recipient has made application for WFNJ benefits in the new county/municipality.

The proposed amendment at N.J.A.C. 10:90-7.3(f) provides that Post TANF support recipients will have their case transferred to the new county of residence in the same manner as active WFNJ/TANF cases when the family moves to another county.

The proposed amendment at N.J.A.C. 10:90-7.3(g)1i extends the time a WFNJ agency has to transfer pertinent case materials to the receiving agency from five to seven days when a WFNJ/TANF family moves to another county or municipality.

The proposed text at N.J.A.C. 10:90-7.3(g)1iii provides that the county of origin shall have the responsibility to grant assistance for the next month, if the transferred case material was not received by the new county of residence before the 10th day of the month unless the sending and receiving counties have mutually agreed on an alternate date for the transfer to take effect and there is no interruption in benefits. This provision will ensure that if the transfer of case material is not completed within the required timeframe, the client will continue to be assisted by the county of origin.

The proposed amendment at N.J.A.C. 10:90-7.3(g)2ii clarifies that, when a WFNJ family or individual moves to another county or municipality, the new agency may grant assistance if case material is received before the 10th of the month and the eligible WFNJ recipient has made an application for assistance with the new agency.

The proposed amendments at N.J.A.C. 10:90-8.2(a) and (b) expand the eligibility category of persons who may be eligible for funeral and burial expenses to include Medicaid Only recipients, stillborn infants delivered to SSI and WFNJ/GA recipients regardless of whether there is a pending WFNJ application for the child, participants in the New Jersey Workability Program with incomes up to 100 percent of the Federal Poverty Level, and children born to recipients of Medicaid Extension.

The proposed amendments at N.J.A.C. 10:90-8.5(a) clarify that funeral services and cemetery costs must be separate and are to be paid separately. The term "cremation" has been changed to "crematory charges" to be compatible with commonly used language on funeral home General Price Lists. Additionally, the term "burial allowance" has been changed to "cemetery allowance" for consistency in terminology.

The proposed amendment at N.J.A.C. 10:90-10.6(a) replaces the form PA-14, Referral for Services, with an updated form called the WFNJ-14, Referral for Services.

The proposed amendment at N.J.A.C. 10:90-10.7(a)9 provides that cash assistance payments made under the publicly administrated Refugee Cash Assistance (RCA)

program, the Department of State's Reception and Placement program, the Matching Grant program, a Wilson/Fish Alternative project, and the public/private RCA program shall not be considered in determining eligibility for refugee medical assistance.

The proposed amendment at N.J.A.C. 10:90-11.5(f) provides that when the WFNJ agency provides written notice to an individual suspected of intentional program violation 30 days prior to the hearing, the notice may be sent certified mail-return receipt requested or served in person by a WFNJ representative. This allows the agency an additional means of serving notice to clients.

The proposed amendments at N.J.A.C. 10:90-12.5(a)4i and 12.11(b) correct incorrect Code cross references.

The proposed amendment at N.J.A.C. 10:90-15.1 redefines the term "parent-person" to provide consistency with N.J.A.C. 10:90-2.7(a)3i. The term "parent-person" refers to an adult individual related through blood, marriage or adoption to a child who, in the absence of a natural or adoptive parent, assumes parental responsibility for that child.

The proposed amendments at N.J.A.C. 10:90-17.2(c)1 and 2 correct the reference to the Cage Aid form, which had been incorrectly referred to as the Cage-8 form.

The proposed amendment at N.J.A.C. 10:90-18.8(a)1 removes a reference to the Substance Abuse Research Demonstration (SARD) program because this program no longer exists.

The proposed amendment at N.J.A.C. 10:90-19.4(a) provides consistency with N.J.A.C. 10:90-1.2(f)3, 2.2(c), 2.2(d)1, 4.2(f), and 4.8(a) by clarifying that, in order to receive a WFNJ kinship care subsidy, all eligible children up to 16 years old must be attending school on a full time basis and 16 through 18 year old children must be attending school on a full time basis or participating in an appropriate work activity.

The proposed amendment at N.J.A.C. 10:90-19.6(a) clarifies that although a child eligible to receive a kinship subsidy is not considered a member of the WFNJ/TANF assistance unit for purposes of cash assistance, he or she is considered a member of the assistance unit for all benefits and support services, including emergency assistance.

Social Impact

The proposed text at N.J.A.C. 10:90-3.19(a)15ix and 3.19(a)15ix(19), which provides that payments made by the Department of Veterans Affairs to certain children of Vietnam veterans is considered exempt income, will allow additional people to be eligible for WFNJ benefits.

The proposed amendments at N.J.A.C. 10:90-5.12(b) and (c) will have a positive social impact for post WFNJ/TANF clients by extending the eligibility timeframe for the CAV program and providing child care support services beyond the 24 month post WFNJ/TANF benefit period, if needed, to complete a CAV course of study.

The proposed amendment at N.J.A.C. 10:90-5.14(f)1 will have a positive social impact for TRA recipients, who begin to receive an SLS benefit because it allows them to continue to receive TRA even if the additional SLS income would have rendered them ineligible for TRA. This prevents WFNJ cash assistance recipients from ending up with less cash available each month, after receiving the SLS benefit, due to lost TRA eligibility and the requirement to pay their own rent.

The proposed amendments at N.J.A.C. 10:90-8.2(a) and (b), which expand the eligibility categories of persons who may be eligible for funeral and burial expenses, will make more people eligible for funeral and burial expenses. These proposed amendments expand the eligibility categories of persons who may be eligible for funeral and burial expenses to include Medicaid Only recipients, stillborn infants delivered to SSI and WFNJ/GA recipients regardless of whether there is a pending WFNJ application, participants in the New Jersey Workability Program with incomes up to 100 percent of the Federal Poverty Level, and children born to recipients of Medicaid Extension.

The proposed amendment at N.J.A.C. 10:90-10.7(a)9 will have a positive social impact on the client because it expands eligibility criteria for medical assistance, by providing that specific cash assistance payments will not be considered in determining eligibility for refugee medical assistance. This will allow more people to be eligible to receive medical assistance benefits.

The following amendments do not have a Social Impact: N.J.A.C. 10:90-1.2(f)3, 2.4(a)3, 2.8(a)12, 2.9(a)2x(1), 3.19(a)10, 4.1(a) and (f), 4.8(a)2ii and 3, 4.9(a)1, 4.10(a) and (b), 5.12(a)3 and 4, 6.6(a)1, 6.8(a), 6.10(d), 7.3, 8.5(a), 10.6(a), 11.5(f), 12.5(a)4i, 12.11(b), 15.1, 17.2(c), 18.3(a)2i, 18.8(a)1, 19.4(a), and 19.6(a).

Economic Impact

The proposed text at N.J.A.C. 10:90-3.19(a)15ix(19) will have a positive economic impact for WFNJ clients who receive payments made by the Department of Veterans Affairs to certain children of Vietnam veterans because these payments will be considered exempt income and will not be considered in determining eligibility or in computing the amount of the cash assistance payment.

The proposed amendments at N.J.A.C. 10:90-5.12(b) and (c) will have an economic impact for WFNJ agencies because post WFNJ/TANF clients will have increased opportunity to receive services through the CAV program. Currently, post WFNJ/TANF clients must apply for the CAV program within 12 months of the date that the cash assistance case closes. Under the proposed amendments, a post WFNJ/TANF client may apply for the CAV program up to 24 months following the date of closing.

The proposed amendment at N.J.A.C. 10:90-5.14(f)1 will have a positive economic impact for TRA recipients, who begin to receive an SLS benefit because it allows them to continue to receive TRA even if the additional SLS income would have rendered them ineligible for TRA. This prevents the recipient from ending up with less cash available each month, after receiving the SLS benefit, due to lost TRA eligibility and the requirement to pay their own rent.

The proposed amendments at N.J.A.C. 10:90-8.2(a) and (b), which expand the categories of persons who may be eligible for funeral and burial expenses, will have an economic impact on WFNJ agencies and recipients because now more people, who were not eligible before, will be eligible to receive payment of funeral and burial expenses by the WFNJ agency.

The proposed amendment at N.J.A.C. 10:90-10.7(a)9 will have an economic impact on the WFNJ agency because expanding the eligibility criteria for refugee medical assistance will allow more people to be eligible to receive these benefits, which the WFNJ agency provides.

The following amendments do not have an Economic Impact: N.J.A.C. 10:90-1.2(f)3, 2.4(a)3, 2.8(a)12, 2.9(a)2x(1), 3.19(a)10 and (a)15ix, 4.1(a) and (f), 4.8(a)2ii and 3, 4.9(a)1, 4.10(a) and (b), 5.12(a)3 and 4, 6.6(a)1, 6.8(a), 6.10(d), 7.3, 8.5(a), 10.6(a), 11.5(f), 12.5(a)4i, 12.11(b), 15.1, 17.2(c), 18.3(a)2i, 18.8(a)1, 19.4(a), and 19.6(a).

Federal Standards Statement

The proposed amendments contain standards, which are the same as those imposed by Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Jobs Impact

The proposed amendments will not result in the generation or loss of jobs.

Agriculture Industry Impact

The proposed amendments have no impact on the agriculture industry.

Regulatory Flexibility Statement

The proposed amendments have been reviewed with regard to the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The proposed amendments impose no reporting, recordkeeping or other compliance requirements on small businesses; therefore, a regulatory flexibility analysis is not required. The amendments govern a public assistance program designed to certify eligibility for the Work First New Jersey program to a low-income population by a governmental agency rather than a private business establishment.

Smart Growth Impact

The proposed amendments have no impact on the achievement of smart growth and implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface thus; deletions indicated in brackets [thus]):

10:90-1.2 Opportunity and decision to apply

(a)-(e) (No change.)

(f) Responsibilities of the county or municipal agency during the initial contact shall include, but not be limited to:

1.-2. (No change.)

3. The county or municipal agency, as appropriate, shall ensure the provision of necessary case management for all recipients. Case management means the provision of certain services to recipients, which shall include an assessment and development of an individual responsibility plan (IRP) **for each adult recipient, parent minor, and 16 through 18 year old individual that is not attending school on a full time basis.** (See N.J.A.C. 10:90-4.7 and 4.9 for provisions regarding assessment and N.J.A.C. 10:90-4.8 for provisions regarding IRP plan completion.) The most intensive case management shall be directed to those facing the most serious barriers to employment.

4.-11. (No change.)

10:90-2.4 Exemptions from the 60 cumulative month time limit

(a) A WFNJ TANF/GA recipient shall be exempted from the 60 cumulative month time limit if the recipient is:

1.-2. (No change.)

3. Permanently disabled, including, but not limited to, a person eligible for disability insurance benefits under Title II or Title XVI of the Federal Social Security Act or persons who have never completed an application for SSI or SSDI benefits, or did not appeal a denial by SSA;

i. A permanently disabled individual is an individual whose physical or mental impairment, defect or injury prevents them from engaging in full time employment for a period of 12 or more months as certified by a physician or licensed nurse practitioner on a minimum of one [WFNJ-5 (DRS1), Examining Physician's Report] **WFNJ/MED-1, Examination Report**. Such individuals may be awaiting eligibility determination for Federal long-term disability (SSI or RSDI) benefits or be among those who have been determined by the State Department of Labor to be impaired to such a degree that they will not likely achieve employment even with the provision of vocational rehabilitation services. This includes persons who are permanently disabled because of HIV related illness who are eligible for Federal SSI benefits.

ii. (No change.)

iii. At the time of case redetermination, a permanently disabled individual's condition shall be reviewed. A recertification using a [WFNJ-5 (DRS1)] **WFNJ/MED-1** shall not be required unless a change in condition occurs which indicates that the individual may be again work-ready. If the condition remains unchanged, a new Individual Responsibility Plan does not have to be completed for the permanently disabled individual.

(1) For an individual that may be work ready, a new [WFNJ-5 (DRS1)] **WFNJ/MED-1** must be completed. Additionally, if the WFNJ agency worker, through his or her observation or through any other means which can be documented, believes that a positive change in the individual's condition occurred, such observations shall be documented through the worker's completion of a WFNJ-6, Work First New Jersey Medical-Social Information Report.

4.-7. (No change.)

10:90-2.8 Individuals ineligible for WFNJ TANF/GA

(a) The following persons shall not be eligible for assistance and shall not be considered to be members of the WFNJ/TANF or WFNJ/GA assistance units:

1.-11. (No change.)

12. A GA applicant or recipient who is admitted or committed to an institution (see N.J.A.C. 10:90-9.1(d)3).

(b)-(c) (No change.)

10:90-2.9 Definition of employable/unemployable persons in WFNJ/GA

(a) The definition of employable/unemployable persons for determination of payment level is as follows:

1. (No change.)

2. An unemployable person is any person who meets any of the criteria listed below:

i.-ix. (No change.)

x. Persons determined to be incapacitated by the agency which administers the WFNJ/GA program are unemployable when such determination of incapacity is supported by any of the following circumstances:

(1) Form [WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report, or WFNJ-5 (DRS1), Examining Physician's Report, as appropriate,] WFNJ/MED-1 shall be fully completed by an examining physician that the individual is unable to comply with WFNJ/GA requirements. Such certification shall include, at a minimum, the date of examination, diagnosis, length of incapacity, functional limitations, prescribed treatment, an indication of whether or not reevaluation will be necessary, and the examining physician's signature.

10:90-3.19 Exempt income

(a) Exempt income is not considered in determining eligibility for assistance or in computing the amount of WFNJ cash assistance payments. The following sources of income shall be exempt:

1.-9. (No change.)

10. SSI benefits for [WFNJ/TANF/GA] WFNJ/TANF;

11.-14. (No change.)

15. The following funds are considered as exempt income and are also identified as exempt resources designated for special purposes at N.J.A.C. 10:90-3.20(a)14:

i.-viii. (No change.)

ix. Funds received by applicants and recipients through certain Federal programs as delineated in (a)14ix(1) through [(18)] (19) below:

(1)-(16) (No change.)

(17) Payments made to individuals because of their status as victims of Nazi persecution; [and]

(18) Stipends received by individuals who participate in the New Jersey Youth Corps Stipends Program [.] ; and

(19) Certain payments made by the Department of Veterans Affairs to the natural children of female Vietnam veterans who served in the Republic of Vietnam from February 28, 1961 through May 7, 1975.

10:90-4.1 General work requirement provisions

- (a) Each WFNJ adult recipient, teen parent, and 16 through 18 year old individual not attending school on a full time basis, unless specifically deferred or unless otherwise specified in this subchapter, shall cooperate with and participate in the WFNJ work requirements in accordance with Federal regulations, the Federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the New Jersey State Plan for Temporary Assistance for Needy Families, the Work First New Jersey Act and the New Jersey Food Stamp Employment and Training State Plan, for up to 40 hours per week as a condition of eligibility for receipt of cash assistance benefits. WFNJ/GA recipients are required to participate in a work activity for up to 30 hours per week.

1. (No change.)

2. Adult WFNJ recipients, teen parents, and 16 through 18 year old individuals that are not attending school on a full time basis, unless deferred, shall be required to comply with all aspects of the cooperation and participation provisions of the WFNJ work requirement as stipulated in this section, unless good cause exists, which shall include, but not be limited to: keeping all scheduled appointments timely; giving reasonable notice and explanation of inability to keep an appointment; cooperating in the development and completion of an individual responsibility plan (IRP); complying with the terms and conditions of the IRP; contacting the child care entity to arrange appropriate child care for WFNJ activity participation, as appropriate; and participating in a WFNJ work activity(ies) as assigned.

i. (No change.)

3. (No change.)

(b)-(e) (No change.)

- (f) All adult WFNJ recipients, teen parents, and 16 through 18 year old individuals that are not attending school on a full time basis, including those individuals determined deferred from the WFNJ work requirement, shall be required to sign an initial individual responsibility plan (IRP) which shall indicate the terms of the work activity requirements and/or the plan of action based on the findings and conclusions from the initial assessment that the recipient must fulfill in order to continue to receive benefits as well as identify work related supportive services (such as child care, transportation, and other work-related expenses necessary to engage in work activities) that are to be provided. For all recipients not deferred from the WFNJ work requirements, the individual responsibility plan shall be updated annually or as necessary in accordance with individual progress and/or change in circumstances (see N.J.A.C. 10:90-4.8).

10:90-4.8 Individual responsibility plan (IRP)

- (a) An individual responsibility plan (IRP) shall be developed jointly by the county or municipal agency representative, as appropriate, and the WFNJ recipient, that is, all adult recipients, teen parents and 16 through 18 year old individuals not attending school on a full-time basis, at time of eligibility determination, and shall be jointly reviewed and/or revised at time of subsequent activity assignments and case redeterminations. The

requirements set forth in the IRP must be coordinated with requirements set forth in an emergency assistance service plan, if the participant is also in receipt of EA. Interim changes/updates to the IRP shall be made more frequently as appropriate and necessary in accordance with individual progress and/or change in circumstances. The IRP shall be signed and dated by the recipient and the respective agency representative. The original IRP shall be maintained electronically or in the case record and a copy shall be provided to the recipient. The IRP shall contain:

1. (No change.)

2. A specific work activity or plan of action based on the findings and conclusions from the assessment, in accordance with N.J.A.C. 10:90-4.1(f);

i. (No change.)

ii. Non-work activity information to be entered on the IRP shall include the name of the activity or referral, its location, a contact person, and telephone number (if known), as well as, any scheduled timeframes;

3. Supportive services to be provided to enable participation in the [work] activity, such as child care, transportation allowances and other available supportive services; and

4.-5. (No change.)

(b)-(d) (No change.)

10:90-4.9 WFNJ comprehensive social assessment (CSA)

(a) A WFNJ recipient who has received cash assistance for 12 or more cumulative months shall be required to complete a detailed social assessment and an employability assessment. The 12-month requirement is a minimum requirement. The Comprehensive Social Assessment (CSA) may be administered at any time prior to 12 months if the circumstances of the case indicate a need for an in-depth assessment.

1. The three-part [comprehensive social assessment (CSA)] **CSA** provides for a social evaluation and the identification of employment barriers.

i. (No change.)

ii. The comprehensive social assessment tool, completed by both the client and worker, [is comprised of 12 sections that assist] **assists** in identifying barriers that hinder the recipient's success in reaching self-sufficiency. Identified issues shall trigger subsequent referrals/actions to address such concerns.

iii. (No change.)

2. (No change.)

(b)-(g) (No change.)

10:90-4.10 Deferrals from the work requirement

(a) Deferrals from WFNJ work requirements shall be limited to:

1. (No change.)
2. Individuals who are unable to engage in regular work activities because they are chronically ill, infirm, or have a physical and/or mental disability or impairment which is expected to last for more than 12 months and such conditions are certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to constitute a permanent disability. Such certification shall be documented through use of Form [WFNJ-5(DRS1), Examining Physicians Report] **WFNJ/MED-1, Examination Report**, and shall, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, be reviewed by the county or municipal agency which shall have the responsibility to approve or deny the deferral request;
 - i. (No change.)
 - ii. A recertification to determine permanent disability using Form [WFNJ-5 (DRS1)] **WFNJ/MED-1** shall not be required for those individuals who provide documentation that they have been determined permanently disabled and are receiving disability insurance benefits under Title II or Title XVI of the Federal Social Security Act. At the time of case redetermination, the permanent disability condition of the individual shall be reviewed. If the permanent disability remains unchanged as verified through social security documentation, it shall be duly noted on the IRP that the permanent disability remains unchanged, the source of the documentation and the date of the review. If a change in the permanent disability occurs which indicates that the individual may be able to participate in a WFNJ activity, for example, the client is no longer eligible for permanent disability considerations under Title II or Title XVI and the client is still requesting a WFNJ deferral based on the disability, the county or municipal agency shall require the completion of Form [WFNJ-5S] **WFNJ/MED-1** by the client's attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse in order to evaluate the client's ability to participate;
3. A person certified by an attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse to be unable, by reason of a physical or mental defect, disease or impairment, to engage in any gainful occupation for any period of less than 12 months. Such certification shall be documented through use of Form [WFNJ-5S, Confidential Medical Examining Physician's Report] **WFNJ/MED-1, Examination Report**, which, upon completion by the certifying physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse, shall be returned to the county or municipal agency worker, as appropriate for review and final determination of deferral from participation from work requirement activities within the WFNJ program;
4. WFNJ/GA single adults or couples without dependent children who are determined unemployable in accordance with provisions set forth at N.J.A.C. 10:90-2.9(a)2. The [WFNJ-5S or WFNJ-5(DRS1) medical] form **WFNJ/MED-1** will be required, if appropriate;
- 5.-11. (No change.)

- (b) In all instances when medical documentation is required, Form [WFNJ-5S, Confidential Medical Examining Physician's Report] WFNJ/MED-1, Examination Report or Form WFNJ-5S (DEP), Confidential Medical Examining Physician's Report for Dependent Child or Dependent Adult, as appropriate, shall serve as a physician's, licensed or certified psychologist, or advanced practice nurse certification and the following procedures concerning receipt of the completed form shall be adhered to:

1. If the [WFNJ-5S] WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity will be for less than 30 days, the agency will approve the deferral and retain the documentation at the agency. At the end of the 30 days, the agency worker will review the circumstances of the incapacity with the client and determine if the client is still claiming the same deferral circumstance; if so, another [WFNJ-5S] WFNJ/MED-1 or WFNJ-5S (DEP) is to be completed by the attending physician (including a licensed or certified psychologist, as appropriate) or advanced practice nurse.
2. If the [WFNJ-5S] WFNJ/MED-1 or WFNJ-5S (DEP) states that the incapacity is expected to last more than 30 days the county or municipal agency, as appropriate, shall have the responsibility to approve or deny the deferral request.

i.-ii. (No change.)

- (c) (No change.)

10:90-5.12 Career Advancement Voucher Program

- (a) The purpose of the Career Advancement Voucher (CAV) Program is to offer eligible post-TANF recipients, who are employed, an educational or training opportunity by providing opportunities for upward career mobility. This program is intended to foster career advancement to those post-TANF individuals who demonstrate that participation in such an activity will result in the potential for growth at their current job or increased potential for growth in a new job.

1.-2. (No change.)

3. Payments to approved vendors are made in two parts, 50 percent at time of enrollment and 50 percent upon completion of the program. An exception to this is a community college. [CWA's] The CWAs are authorized to pay a community college the full tuition amount prior to or at the beginning of the course.
4. [An approved vendor is any entity or institution currently on the Work Force Investment List (see the Federal Workforce Investment Act of 1998 (Pub. L. 105-220)) or any credible vendor about to be put on the list. An approved vendor may also be one that while not on the list, has a known successful track record and participates at the approval of the case management entity or the Workforce Investment Board.] Vendors providing education and/or training to WFNJ recipients must be listed on the Eligible Training Provider List (ETPL). If a vendor is not currently listed as an eligible training provider, the vendor must demonstrate proof of registration to become an Eligible Training Provider.

5. (No change.)

- (b) In order to be eligible for this program, the applicant's WFNJ/TANF case must have closed within the previous [12] **24** months and the applicant shall:

1.-4. (No change.)

- (c) Child care support services may be available to eligible CAV participants as a part of the TCC [Program] **and Post TCC Programs.**

- (d)-(g) (No change.)

10:90-5.14 Supplemental Living Support (SLS) Program

- (a)-(e) (No change.)

- (f) In the calculation of other benefits received by the household, the SLS shall be treated as unearned income for food stamp purposes and as part of total household income when determining, where necessary, the TRA/EA household co-payment amount.

1. If a WFNJ/TANF/GA recipient is already receiving TRA when he or she begins to receive an SLS benefit, the TRA shall be continued even if the additional SLS income would have rendered the recipient ineligible for TRA. The TRA co-payment amount will be 65 percent of all household income including the SLS benefit or the combined cash assistance and SLS benefit, whichever is less.

10:90-6.6 Recipient/agency responsibilities

- (a) The county/municipal agency shares responsibility with the individual/family in receipt of emergency assistance to resolve the emergency situation and to assist the individual/family to secure a suitable permanent housing arrangement. Receipt of emergency assistance is contingent upon the recipient's taking reasonable steps toward resolving the emergent situation. Reasonable steps shall include the recipient's signature on a written notice of recipient responsibilities while receiving temporary housing/shelter; participation in formulating, complying with and carrying out a plan for service; fulfilling the number of housing searches mutually agreed upon; and following agency recommendations related to resolving the emergent situation. Failure to substantially comply with the service plan will result in termination of EA. In no case shall the EA granted exceed the limits set forth in N.J.A.C. 10:90-6.4 concerning time limits and extensions in situations of extreme hardship.

1. The service plan shall be developed between the county or municipal agency and the recipient of emergency assistance within 10 days of the EA authorization date in order to provide a plan of action aimed at working toward securing permanent shelter and also, where directly related to securing such shelter, at resolving the circumstances that contributed to the emergency situation. When appropriate, development of the service plan shall be coordinated with the development of the individual responsibility plan (IRP) discussed in N.J.A.C. 10:90-4.8. For individuals requesting EA for reason of family violence or the risk of family violence, the EA service plan must be coordinated with any services offered through the designated victim service provider agency

and included in the family violence safety and service plan in accordance with N.J.A.C. 10:90-20.1(b)1ii. Every effort shall be made to avoid situations in which the development and execution of one plan infringes upon the development and execution of the other, thereby placing the recipient in danger of being either sanctioned due to noncooperation or terminated from receipt of EA. The service plan shall include, as appropriate, but is not limited to:

i.-iii. (No change.)

2.-3. (No change.)

10:90-6.8 Intercounty/municipality transfer of EA cases

- (a) Whenever a single adult, a couple without dependent children or a family with dependent children requiring the provision of EA benefits moves from one county or municipality (WFNJ/GA only) to another, the following provisions shall apply:
1. When the county or municipality of origin (that is, the county or municipality that granted the emergency assistance benefit) places the individual or family in out-of-county/municipality temporary emergency housing, the county/municipality of origin shall retain financial responsibility for the shelter payments, regular assistance payments and issuance of food stamp benefits, if applicable, as well as other monitoring functions until the homelessness is resolved or permanent housing is obtained. If mutually agreed upon by the two counties or municipalities, the new county or municipality of residence may assume full responsibility for administration of the case, provided transfer requirements promulgated by DFD have been fulfilled.
 - 2. When an EA recipient determined appropriate to receive TRA benefits moves to permanent housing in another county/municipality, with or without county or municipal agency intercession, the new county or municipality of residence shall assume responsibility for the TRA benefits, EA case management, WFNJ case management and cash assistance benefits provided the client remains eligible for EA payments after the recipient makes application for services in the new county/municipality, and pursuant to transfer requirements at N.J.A.C. 10:90-7.**

Recodify existing 2. - 4. as **3. - 5.** (No change in text.)

10:90-6.10 Commissioner's Long Term Support Program (LTSP) pilot project for emergency assistance extensions

(a)-(c) (No change.)

- (d) A WFNJ/TANF/GA or SSI recipient shall be eligible to receive LTSP benefits when the WFNJ/TANF/GA recipient who is about to lose EA benefits meets one or more of the following criteria:

1. There is documentation of long-term medical or psychological problems, which indicates that the individual is unlikely to ever secure and/or maintain employment. The documentation must be for a period of at least two years and shall consist of at least one approved Form [WFNJ-5

(DRS1), Examining Physician's Report, or WFNJ-5S, Confidential Medical-Psychiatric Examining Physician's Report] WFNJ/MED-1, Examination Report, along with actual medical/psychological evidence that was submitted during the two-year period;

2. There is independent documentation of a history of clinical/medical diagnosis that the individual is mentally and/or physically incapable of self-care, resulting in serious actual or potential harm to the individual. Documentation may include, for example, an approved Form [WFNJ-5(DRS1) or WFNJ-5S] WFNJ/MED-1, actual medical/psychological evidence, or records of hospitalization;

3.-7. (No change.)

8. The individual has applied for and is either pending approval of, or appealing a denial of RSDI and/or SSI disability benefits, which shall be supported by a [WFNJ-5 or WFNJ-5S] WFNJ/MED-1 substantiating at least 12 months of disability. The individual shall cooperate with all WFNJ requirements related to applying for RSDI/SSI disability benefits.

(e)-(j) (No change.)

10:90-7.3 Maintenance, custody, movement and transfer of case records

(a)-(c) (No change.)

- (d) Responsibility for WFNJ benefits shall [be transferred] move from one county/municipality to another when a recipient/family moves to another county/municipality.

1. WFNJ/GA cases shall be closed in the county/municipality of origin, and a new case will open in the receiving county/municipality provided application has been made and the recipient remains eligible. The case records do not transfer from the agency of origin to the receiving agency.

2. WFNJ/TANF case records shall be transferred to the receiving county provided application has been made and the recipient remains eligible. The case records are transferred from the county of origin to the receiving county as outlined in (g) below.

(e) (No change.)

- (f) [Those] Post TANF support recipients and those WFNJ/TANF cases which receive only Medicaid or a Medicaid extension shall also be transferred to the new county of residence in the same manner as active WFNJ/TANF cases when the family moves from the county of origin.

- (g) The well-being of recipients shall not be adversely affected by a [transfer] move from one county/municipality to another and their right to uninterrupted assistance shall not be prejudiced by any disagreement that arises between the county/municipality of origin and the receiving county/municipality. In no event shall assistance be delayed or suspended when a recipient moves from one jurisdiction to another. Assistance, including emergency assistance when appropriate, shall be provided by the county/municipality where the applicant/recipient resides. When the county/municipality of origin places the individual or family in out-of-

county/municipality temporary emergency housing, the county/municipality of origin shall retain full responsibility for all assistance until the homelessness is resolved or permanent housing is obtained (see N.J.A.C. 10:90-6.8(a)1). For a WFNJ/GA case, the receiving agency shall grant assistance, provided application has been made and the recipient remains eligible, for the next month. For a WFNJ/TANF transfer case, if the required documentation is not within the original transfer package, the receiving agency shall contact the county[/municipality] of origin to obtain the needed information. The sending county[/municipal] agency shall act promptly on all requests for information.

1. The county of origin shall have the responsibility to:

- i. Transfer, within [five] seven working days from the date it is notified of the actual move, a copy of all pertinent case material to the receiving county; and
- ii. Instruct the client to contact the receiving county immediately in order to arrange for a transfer of assistance [.] ; and
- iii. Grant assistance for the next month, if the transferred case material was not received by the new county of residence before the 10th day of the month unless the sending and receiving counties have mutually agreed on an alternate date for the transfer to take effect and there is no interruption in benefits.

2. The receiving county shall have the responsibility to:

- i. (No change.)
- ii. Grant assistance, provided application has been made and the recipient remains eligible, for the next month if initial case material has been received before the 10th day of the month; and
- iii. (No change.)

(h) (No change.)

10:90-8.2 Persons who may be eligible

(a) Claims for funeral and burial expenses may be received and considered with respect to:

1. A person who was in active receipt of assistance at the time of death, including WFNJ/TANF, WFNJ/GA, [and] Supplemental Security Income (SSI) benefits, and Medicaid Only;
2. A person for whom eligibility for WFNJ/TANF, WFNJ/GA, SSI, or Medicaid Only can be otherwise determined provided that an application for assistance was made prior to death. This includes stillborn infants and deceased newborns who would have been included in a previously existing WFNJ case. [It also includes parents and infants for whom application for WFNJ had been made in anticipation of eligibility at the birth of a child.] Stillborn infants and deceased newborns delivered to SSI and WFNJ/GA recipients shall be considered for funeral and burial expenses regardless of whether or not there is a pending WFNJ application for the child;

3.-16. (No change.)

17. Recipients of the New Jersey Care-Special Medicaid Program for Aged, Blind and Disabled; [or]

18. Recipients of SSI (or its predecessor programs) or Medicaid Only who were admitted or committed to any tax supported institution within this State, other than a penal or correctional institution, with such admission or commitment being the only reason for suspension or termination of public assistance, and whose death occurs while confined to such institution[.]; or

19. Participants in the New Jersey Workability Program with incomes up to 100 percent of the Federal Poverty Level.

(b) Claims for the funeral or burial expenses incurred by a family in receipt of extended Medicaid (see N.J.A.C. 10:90-5.9(c)) for any child who is born or legally adopted by the family during the extension period [are not authorized] shall be considered for payment.

10:90-8.5 Authorization of payment

(a) **Funeral services and cemetery costs shall be separated and paid separately.** The allowance for funeral services, exclusive of cemetery costs, is the total amount charged or \$1,970, whichever is less. Purchase of an urn when an individual is cremated is a permissible expense and is charged toward the funeral allowance. When ground burial is made of the remains, the cemetery allowance also applies. The cemetery allowance is the sum of all cemetery charges or \$460.00, whichever is less. [Cremation] **Crematory charges** as well as burial of the urn are permissible expenses and are to be charged toward the [burial] **cemetery** allowance. The maximum total of allowances for a decedent is the sum of the funeral allowance and the cemetery allowance, as applicable. Payments may be authorized for transportation costs for otherwise eligible Medicaid or WFNJ recipients who would normally qualify for burial/funeral expenses but have chosen to donate their bodies for medical education and research.

1. (No change.)

(b)-(d) (No change.)

10:90-10.6 Eligibility

(a) No United States citizen is eligible for RRP and a refugee may be eligible only if he or she meets the appropriate definition and INS status in N.J.A.C. 10:90-10.2 and 10.3. In addition, all refugees whose time limitations have expired will cease to be eligible for cash and medical assistance under RRP (see (b) below). Such ineligible refugees who are still in need shall, as appropriate, be assisted under WFNJ/GA, either at the county agency or referred to the municipal agency via Form **[PA-14] WFNJ-14**, "Referral for Services," giving the reason for referral.

1. (No change.)

(b)-(j) (No change.)

10:90-10.7 Medical assistance and medical expense spend-down

- (a) Regarding Medical assistance, State eligibility standards for Title XIX shall apply to a refugee's eligibility for medical assistance except:

1.-6. (No change.)

7. A refugee is not required to actually receive or apply for refugee cash assistance as a condition of eligibility for refugee medical assistance; [and]

8. Determination of eligibility for refugee medical assistance (RMA), shall be based on the applicant's income and resources on the date of application, rather than on a refugee's income averaged prospectively over the RMA application processing period. A newly arrived refugee, who applies for RMA soon after arrival and becomes employed within the first 30 days in the U.S. subsequent to filing the RMA application, shall not lose RMA eligibility [.] ; and

9. Cash assistance payments made under the publicly administrated Refugee Cash Assistance (RCA) program, the Department of State's Reception and Placement program, the Matching Grant program, a Wilson/Fish Alternative project, and the public/private RCA program shall not be considered in determining eligibility for refugee medical assistance.

- (b) (No change.)

10:90-11.5 Administrative disqualification hearing procedures

- (a)-(e) (No change.)

(f) The county or municipal agency shall provide advance written notice of the hearing to the individual suspected of IPV at least 30 calendar days in advance of the date an administrative disqualification hearing has been scheduled. The notice shall be mailed by certified mail-return receipt requested **or served in person by a WFNJ representative.** In the event that the individual refuses to accept delivery of the advance notice and the mail receipt notes that fact, the receipt will be accepted as proof of notice served. The certified letter shall be clearly marked "deliver to addressee only" in order to ensure that notice is served to the correct individual. A return receipt for certified mail which contains the signature of an individual other than the person addressed is insufficient evidence that proper advance notice was given. Letters sent by certified mail which are returned to the county or municipal agency with notations such as "unclaimed" or "undeliverable" offer no proof that advance requirements have been met. The advance notice shall contain at a minimum:

1.-12. (No change.)

- (g)-(i) (No change.)

10:90-12.5 Evaluating county/municipal agency performance

- (a) To ensure that WFNJ/GA program benefits are being provided to eligible individuals in an accessible and efficient manner, the performance of the county and municipal agency shall be assessed by the DFD through

prescribed routine performance evaluation activities or, as warranted, through special performance evaluation activities. Assessable areas to be used by DFD for routine performance evaluation purposes shall correspond to the requirements set forth throughout this chapter in the following areas:

1.-3. (No change.)

4. Fraud procedures are as follow:

i. Matched reports shall be completed and transmitted to DFD (see N.J.A.C. 10:90-[14.9] **14.7**);

ii.-iii. (No change.)

5. (No change.)

(b)-(c) (No change.)

10:90-12.11 Establishment of Public Assistance Trust Fund Account

(a) (No change.)

(b) The governing body of the municipality may, at the request of the LAB, establish a Public Assistance Petty Cash Fund Account. Such fund shall be established and operated in accordance with N.J.A.C. 10:90-[14.6] **14.3**.

10:90-15.1 Definitions

The following words and terms used within this chapter shall have the following meaning unless the context clearly indicates otherwise.

....

"Parent-person" [means certain relatives of a child who, in the absence of a natural or adoptive parent, assume parental responsibility] **refers to an adult individual related through blood, marriage or adoption to a child who, in the absence of a natural or adoptive parent, assumes parental responsibility for that child.**

....

10:90-17.2 Determining eligibility for the EEI

(a)-(b) (No change.)

(c) On the same day the WFNJ application is taken, the WFNJ/TANF agency shall determine whether or not any of the adult members of the applicant family meet the EEI eligibility criteria in (a) or (b) above.

1. For those applicants who meet the EEI eligibility criteria, the WFNJ agency shall prepare an initial Individual Responsibility Plan (IRP) with the applicant and utilize form [CAGE-8] **Cage-Aid**, Addendum to the Individual Responsibility Plan, to allow the applicant to self-identify a potential drug or alcohol problem prior to being referred for participation in the EEI. It is to be noted that the responses to the [CAGE-8] **Cage-Aid** questions are voluntary. If an applicant chooses not

to respond to the drug and alcohol questions, the WFNJ agency shall make a notation on the [CAGE-8] Cage Aid form, accordingly. In all instances, the WFNJ agency shall attach the [CAGE-8] Cage-Aid form, along with the initial IRP, to the applicant family's WFNJ application.

i. (No change.)

2. For those adult applicants who meet the EEI eligibility criteria for participation and maintain that they do not have a drug or alcoholic problem, participation in the EEI shall be mandatory. Likewise, those adult family members who choose not to respond to the [CAGE-8] Cage-Aid drug and alcohol questions and who meet the eligibility criteria for EEI participation at (a) or (b) above, shall also be referred to the EEI entity for mandatory participation.

(d) (No change.)

10:90-18.3 Mandatory SAI treatment

- (a) For WFNJ applicants/recipients subject to mandatory participation in the SAI, the following shall apply:

1. (No change.)

2. A WFNJ GA unemployable individual shall be required to participate in the mandatory SAI program, if substance abuse is the sole reason for the unemployable status and shall have his or her WFNJ status changed from GA unemployable to GA employable once the individual is well enough, as determined by the CCC, to participate in work or work activities. Such a change in status shall be supported by medical documentation, and shall be in the therapeutic interest of the WFNJ recipient as determined by the CCC and the CCC clinical supervisor.

- i. In the instances as noted in (a)2 above, the CCC shall advise the WFNJ agency worker to request a new [Examining Physician's Report, WFNJ-5, or the Confidential Medical-Psychiatric Examining Physician's Report, WFNJ-5S, determination] WFNJ/MED-1, Examination Report, that states that substance abuse is the reason for the unemployable status. If the updated [Physician's Report, WFNJ-5 or Confidential Medical-Psychiatric Report, WFNJ-5S] WFNJ/MED-1, Examination Report, indicates that the WFNJ/GA recipient is no longer unemployable, then the WFNJ/GA employable requirements at N.J.A.C. 10:90-3 shall apply.

3. (No change.)

10:90-18.8 Responsibilities of the county/municipal WFNJ agency for SAI

- (a) The responsibilities of the county and/or municipal WFNJ agencies are to:

1. Refer eligible WFNJ recipients for participation in the SAI[/SARD];

2.-5. (No change.)

10:90-19.4 Kinship Care Subsidy Program application process

The Kinship Care subsidies shall be administered through the CWAs. The kinship legal guardian must apply for the KCSP in order to receive the

kinship subsidy benefit for the child. All kinship legal guardians are considered the "payee" for a related child in his or her care when the child is not their natural or adopted child. The applicant shall provide his or her case file papers that were completed by the designated entity, including the original eligibility determination, which shall be retained and attached to the kinship subsidy application. In order to receive a WFNJ kinship subsidy, all eligible children up to 16 years old must be attending school on a full time basis and 16 through 18 year old children must be attending school on a full time basis or participating in an appropriate work activity (see N.J.A.C. 10:90-1.2(f)3, 2.2(c), 2.2(d)1, 4.2(f), and 4.8(a)). To receive the kinship subsidy for the eligible child, the kinship legal guardian shall sign the application and agree to cooperate with efforts to collect child support from the parents of the child. The decision to apply rests with the applicant.

10:90-19.6 Kinship subsidy supportive services

- (a) Although a child who is eligible to receive the kinship subsidy is not a member of the assistance unit for purposes of receipt of WFNJ cash assistance, the child is considered a member of the WFNJ/TANF assistance unit for all benefits and support services. These include, but are not limited to, child care, medical assistance, emergency assistance and food stamp benefits.

1. (No change.)

- (b) (No change.)